

Costa Rica 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Costa Rica in the past year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited such practices, and there were no credible reports that government officials employed them.

Prison and Detention Center Conditions

Some prison and detention center conditions were harsh due to overcrowding and inadequate sanitary conditions.

Abusive Physical Conditions: Overcrowding was a problem. As of July 31, the prison population exceeded the designed capacity of prisons by 12 percent. Although the Ministry of Justice made efforts to expand prison capacity further and improve conditions in accordance with international standards, some prisons remained overcrowded, with the population in pretrial detention experiencing the most overcrowding.

Poor conditions included inadequate space for resting, deteriorated mattresses on the floor, and inadequate access to health services. In June, an Alajuela Sentence Enforcement Court ordered the closing of the Gerardo Rodríguez Echeverría Institutional Detention Center due to inhuman conditions. Illegal narcotics were readily available in prisons, and drug abuse was common.

On January 25, the Constitutional Chamber of the Supreme Court ordered the creation of an internal security protocol for police personnel in units of

the women's prison, after a group of inmates took cell keys from a prison officer and attacked a fellow inmate in her own cell.

Administration: The Ombudsperson's Office investigated all prisoner complaints, including credible allegations of mistreatment.

Independent Monitoring: The government permitted independent monitoring of prison conditions by international and local human rights observers. The Office of the UN High Commissioner for Refugees (UNHCR) monitored the migration detention facility, and the Ombudsperson's Office monitored all other detention centers, with UNHCR visiting monthly and the ombudsperson preparing annual reports.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right for any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law required issuance of judicial warrants before police could make an arrest, except where probable cause was evident to the arresting officer. The law entitled a detainee to a judicial determination of the legality of detention during arraignment before a judge within 24 hours of arrest. The

law provided for the right to post bail and prompt access to an attorney and family members. Indigent persons had access to a public attorney at government expense. Those without sufficient personal funds were also able to use the services of a public defender. With judicial authorization, authorities could hold a suspect incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days. Special circumstances included cases in which pretrial detention previously was ordered and there was reason to believe a suspect might reach an agreement with accomplices or obstruct the investigation. Suspects were allowed access to attorneys immediately before submitting statements before a judge. Authorities promptly informed suspects of any offenses under investigation. Habeas corpus provided legal protection for citizens against threats from police; it also required judges to give a clear explanation of the legal basis for detention of and evidence against a suspect.

On May 30, the president signed an amendment to the organized crime law that doubled the allowable length of preventive detention and clarified which cases should be processed in the specialized jurisdiction for organized crime.

Arbitrary Arrest: On October 9, the Constitutional Chamber of the Supreme Court ruled against the municipality of Escazu for the arbitrary detention on September 24, of a citizen for alleged obstruction of police work. Separately on October 17, the chamber ruled against police forces for the arbitrary

detention on September 9, of a protester during protest.

Pretrial Detention: Lengthy pretrial detention was a problem. The average length of pretrial detention was 90 to 180 days. In some cases, delays were due to pending criminal investigations and lengthy legal procedures. In other cases, the delays were a result of court backlogs. The length of pretrial detention generally did not equal or exceed the maximum sentence for the alleged crime. The law established that preventive detention should be proportional to the sentence for the alleged crime, and authorities generally complied with that mandate.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

The legal system experienced significant delays in the adjudication of criminal cases and civil disputes due to inadequate staffing, organizational inefficiencies, and the numerous opportunities for parties – particularly defendants in criminal cases – to cause procedural delays.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning

democratic political system combined to promote freedom of expression, including for media members.

Violence and Harassment: Media, academic, and civil society contacts noted an increase in verbal attacks and intimidation from state officials against journalists since 2022. On May 23, the Constitutional Chamber of the Supreme Court ruled President Chaves' and former Minister of Health Jocelyn Chacón's verbal attacks against media during a January 9 press conference constituted "an excess" and risked promoting harassment against the outlets and journalists the officials named. On July 24, 26 former heads of state and government under the Democratic Initiative of Spain and the Americas grouping issued an open letter expressing concern regarding the state of press freedoms in Latin America, including in Costa Rica, citing Chaves' insults against journalists and the alleged use of state institutions to place economic pressure media outlets. Media, academic, and civil society contacts indicated a reduction in access to public information during the year. There were reports of government officials verbally harassing certain media outlets and specific journalists, as well as using government resources to punish certain outlets for reporting critically on the administration. In August 2022, some outlets including the electronic newspaper *CRHoy*, ceased sending correspondents to cover the president's weekly press conferences, citing harassment and safety concerns. Media and academic observers noted a concentration of public advertising by the National System of Radio and Telecommunications, a state agency, and claimed there

had been a reduction in public-sector advertising funds targeting media outlets deemed critical of the administration. Reports also indicated an increase in online harassment and self-censorship due to the administration's public rebukes of journalists, opposition politicians, and other critics. Chaves' social media accounts routinely posted "likes" on social media content that insulted his opponents. In February, Chaves dismissed accusations that his then health minister paid someone to harass journalists at three news outlets.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had an established system for providing protection to refugees. The law required authorities to process the claims within three months of receipt. Authorities provided appointments to file asylum claims on the same day or within a few weeks of application; however, it took up to 10 years to adjudicate applications filed before January due to a backlog of approximately 200,000 pending claims. The Migration Authority Refugee Unit, within the Directorate General of Immigration and Nationality, was overburdened by the sharply rising number of persons requesting asylum or refugee status since 2018, with the majority originating from Nicaragua. The government sought international support to bolster the Migration Authority's capacity.

During the year, the Constitutional Chamber of the Supreme Court declared unconstitutional provisions of the executive orders issued in December 2022 to regulate the processing of asylum claims and create a new regularization category for migrants who might not qualify for or had been denied asylum. On February 20, the court ruled against the prohibition for asylum seekers

to travel outside of the country while their claim was being processed. On August 30, the court ruled against the requirement to relinquish asylum claims to apply for the regularization category. The president signed an amended decree eliminating this requirement prior to the ruling.

Employment: Asylum seekers filling new petitions had to wait three months to apply for work authorization and had to submit additional documentation.

Access to Basic Services: By law, asylum seekers and refugees had access to public services and social welfare programs, but access was often hampered by lack of knowledge regarding their status in the country, failure of service providers to recognize the identification documents provided to asylum seekers by the Migration Authority, and xenophobia among some service providers. For example, asylum seekers without employers (who constituted most asylum seekers) faced restrictions when enrolling voluntarily as independent workers in the public health system.

Refugees and asylum seekers reported access to health services was difficult. They qualified for public health services only if they were children, pregnant, or facing a life-threatening emergency, but some individuals reported being denied services even in emergency situations. During the year, UNHCR funded health insurance for 6,000 of the most vulnerable refugees through an agreement with the social security system.

Durable Solutions: The government implemented a Protection Transfer Arrangement in coordination with UNHCR and the International Organization for Migration for refugee resettlement in third countries. For those obtaining refugee status, the government was committed to their local integration both legally and socially and to facilitating their naturalization process.

Temporary Protection: On March 1, a migration category created by executive decree in December 2022 went into effect for Nicaraguan, Venezuelan, and Cuban individuals who might not qualify for or had been denied refugee status.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

There were problems of statelessness of indigenous children and children of seasonal workers in the border areas with Panama and Nicaragua, derived from the difficulties linked to completing birth registrations. Members of the Ngobe-Bugle indigenous group from Panama often worked on Costa Rican farms and occasionally gave birth there. In these cases, parents did not register Ngobe-Bugle children as citizens at birth because they did not

think it necessary, although the children lacked registration in Panama as well. Government authorities worked with UNHCR and the International Organization for Migration on a program of birth registration and provision of identification documents to stateless persons in both border areas.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

Participation of Women and Marginalized or Vulnerable Groups: The Supreme Electoral Tribunal partially upheld petitions for constitutional protection that five women deputy mayors filed against mayors, after verifying violations of their political rights and placement of obstacles to their duties. On February 8, the Constitutional Chamber of the Supreme Court issued a ruling that required political parties to put forward an equal number of men and women candidates in leading positions on their municipal election party tickets to encourage gender parity in 2024

municipal elections.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year. The presence and influence of transnational criminal organizations raised concerns regarding corruption within the judicial system, security services, municipal governments, and the broader public sphere.

Corruption: On June 30, the assistant attorney general for anti-corruption accused former President Luis Guillermo Solís (2014-18) and four members of his administration of involvement in a 2017 transfer of government funds to a state-owned bank to intervene and misrepresent the financial liquidity of the bank to benefit the political perception of the administration at that time.

On August 17, the attorney general searched the premises of a law firm of which the minister of foreign affairs was previously the managing partner, as part of an investigation related to an alleged parallel financing structure for the Social Democratic Progress Party's 2022 election campaign.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country,

and the Department of State's *International Narcotics Strategy Control Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were often cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The Ombudsperson's Office reviewed government action or inaction that affected citizens' rights and interests. The ombudsperson was accountable to the National Assembly, which appointed the ombudsperson to a four-year term and funded office operations. The ombudsperson participated in the drafting and approval of legislation, promoted better public sector management and transparency, and reported annually to the National Assembly with nonbinding recommendations. International institutions and nongovernmental organization observers recognized the Ombudsperson's Office as an independent and effective instrument for promoting human rights.

A special committee of the National Assembly studied and reported on

problems relating to the violation of human rights and reviewed bills relating to human rights and international humanitarian law.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of men or women, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence, as well as so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The law provided penalties from 10 to 18 years in prison for conviction of rape. The government generally enforced the law effectively. Observers noted corrective rape cases frequently were not reported.

The law prohibited domestic violence and provided measures for the protection of domestic violence survivors. Criminal penalties for conviction ranged from 10 to 100 days in prison for aggravated threats and up to 35 years in prison for aggravated homicide, including sentences of 20 to 35 years for persons who killed their partners. The government enforced the law effectively.

Violence against women and girls was a serious problem. As of October, the government reported 15 women had been killed, including seven killed by a partner or spouse. The government continued to implement its *National*

Strategy to Combat Sexual Harassment and Harassment against Women

(referred to as the “Ruta de Genero”) to counter sexual harassment and discrimination against women through measures such as the creation of dedicated safe spaces and an expanded network of government facilities called “puntos violeta” where women could register complaints and receive legal advice and psychological support. On October 12, during a presentation on the status of the strategy, the vice president noted public transportation as a particular area of concern for sexual harassment and assault against women.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment in the workplace and educational institutions, and the government enforced the law effectively. The law imposed penalties ranging from a letter of reprimand to dismissal, with more serious incidents subject to criminal prosecution.

Discrimination: The law provided the same legal status and rights for women as for men, and those laws were generally respected. The government enforced the law effectively. Women earned an average of 10 percent less than men in similar roles.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to human rights experts, problems related to access to

reproductive health services remained for lesbian and bisexual, indigenous, and Afrodescendant women, and women with disabilities. There were reports members of Indigenous communities might not have fully understood, and therefore did not have an opportunity for fully informed consent for birth control methods provided to them, due to lack of interpreters (community assistants) to provide contraceptive counseling and information regarding family planning.

The government provided access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception was available as part of clinical management of rape.

Some social barriers adversely affected access to skilled health-care providers during pregnancy and childbirth. Women in rural areas and indigenous women did not always have access to health care during childbirth, and some had difficulty accessing prenatal care, due to geographic isolation and language barriers with providers. Government regulations stated all pregnant women, including undocumented migrants and asylum seekers, had the right to health services. Nevertheless, refugees and asylum seekers reported access to health services and reproductive health management services was difficult. Refugee and migrant advocates stated this population qualified for public health services only if they were children, visibly pregnant, or facing a life-threatening emergency, but some individuals reported being denied services even in emergency situations.

There was access to emergency health care, including services for the management of complications arising from abortion.

The government provided some access to sexual and reproductive health services for survivors of sexual violence. Human rights experts identified problems such as revictimization and limited access to antiretroviral therapy. There was limited access to emergency contraceptives as part of the clinical management of rape.

The Indigenous territory of Talamanca was one of the poorest cantons in the country. The birth rate of girls and adolescents in the Talamanca region was 19.7 births per 1,000 in 2021, compared with the national rate of 10.2 per 1,000 in 2022. This disparity was likely linked to the lower educational and socio-economic levels in the community.

Systemic Racial or Ethnic Violence and Discrimination

The constitution established that the country was a multiethnic and multicultural nation. The government enforced the laws effectively. Laws prohibited discrimination at work, punished racism in sporting events, and established affirmative actions in favor of Afrodescendants. The government had a presidential commissioner for social inclusion for matters related to disability, the rights of Afrodescendants, Indigenous individuals, and the LGBTQI+ community.

In February, parents of an Afrodescendant student in Aserri filed a complaint

against the Ministry of Public Education for alleged discrimination related to the student's hairstyle. The Ministry of Public Education opened an investigation into the incident following the complaint. In September, local UN offices, executive branch officials, and the ombudsperson condemned alleged racism directed by fans toward an Afrodescendant soccer player during a game. The Costa Rican Football Federation fined the sports club in question for the alleged actions.

The United Nations expressed concern regarding the increase in xenophobic messages, as well as messages directed against women and LGBTQI+ populations.

Indigenous Peoples

There were reports of violence against Indigenous persons related to land ownership in Indigenous territories. The law protected reserve land as the collective, nontransferable property in 24 Indigenous territories; however, between 38 percent and 97 percent of that land was in non-Indigenous hands, depending on the territory. Indigenous lands were not effectively demarcated, and there was an overlap between Indigenous lands and national parks. On February 17, in an effort to comply with the 1977 Indigenous law obligating the return of Indigenous land, the president announced a budget assigned to the National Commission for Indigenous Affairs to compensate non-Indigenous owners who could demonstrate they

acquired their land in good faith prior to passage of the 1977 law for land located in the 24 Indigenous territories. Indigenous representatives characterized the funds as insufficient to cover expected costs associated with anticipated land purchases. On December 20, the Ministry of Justice and Peace announced a payment of 364 million colones (\$700,000) to a good faith owner to facilitate the transfer of land to the Indigenous Comprehensive Development Association in the Indigenous territory of Conte Burica.

Indigenous communities continued to experience discrimination impeding equal access to public services and institutionalized racism in schools, the health-care system, and in various workplace sectors. Indigenous representatives reported education centers that served Indigenous communities had a higher child-to-teacher ratio and less funding for food and education supplies compared with education centers outside of Indigenous communities. Lack of interpretation in Indigenous languages limited access to public services. Indigenous leaders reported a lack of effective consultation mechanisms from government authorities on policy matters affecting their lands, cultures, and traditions, despite legal requirements to provide Indigenous communities access to free, prior, and informed consent regarding policies impacting their communities.

On July 17, the Cartago Criminal Court of Appeals ordered the release of a suspect who in February was sentenced to 22 years in prison for conviction

of murdering Bröran People of Terraba Indigenous land activist Jehry Rivera Rivera in 2020. In August 2022, the suspect confessed in a public event his role in the killing of the Indigenous leader. Indigenous rights advocates declared the appeals court's decision was a setback for the rights of the country's Indigenous peoples and furthered an atmosphere of impunity for crimes committed against Indigenous persons.

Children

Birth Registration: Migrant children were at risk of statelessness because they did not have access to legal documents to establish their identity if their parents did not register their births.

Child Abuse: There were laws against child abuse, and the government enforced the laws effectively.

Child, Early, and Forced Marriage: The minimum legal age of marriage was 18, and child marriage was prohibited. The government effectively enforced the law.

Sexual Exploitation of Children: The law criminalized the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking, and provided sentences of up to 16 years in prison for conviction. The law provided for sentences of two to 10 years in prison for conviction of statutory rape and three to eight years in prison for conviction of child pornography. The law established penalties for conviction of sex with

children of up to three years in prison for an adult having sex with a person younger than age 15 or younger than 18 if the age difference was more than five years. The law established a statute of limitations of 25 years for sexual crimes against children. Authorities enforced these laws. The minimum age of consensual sex was 18 years. The country was a destination for child sex tourism.

Antisemitism

The Jewish Zionist Center estimated there were between 3,000 and 3,500 Jewish persons in the country. There were isolated reports of antisemitic comments on social media.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based

on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There were no laws that criminalized consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behavior. There were no apparently neutral laws disproportionately applied to LGBTQI+ persons.

Violence and Harassment: There were no reports police or other government agents incited, perpetrated, condoned, or tolerated violence or harassment against LGBTQI+ individuals or those reporting such abuse. There were no reports of nonstate actor violence targeting LGBTQI+ persons. Judicial authorities did not disaggregate data on violence. LGBTQI+ rights activists reported instances of violence committed against trans women engaged in commercial sex.

Discrimination: No law explicitly prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, or recognized LGBTQI+ individuals, couples, and their families. Discrimination against persons based on sexual orientation and gender identity was prohibited by a series of executive orders and workplace policies but not by national laws. The government generally enforced such provisions. The law recognized LGBTQI+ couples and their families and granted them rights equal to rights of other persons.

There were cases of discrimination against persons based on sexual orientation, including employment, police discrimination, and barriers to accessing education and health-care services. LGBTQI+ individuals experienced discrimination within their families due to their sexual orientation, gender identity or expression, and sex characteristics. LGBTQI+ rights activists reported an instance of a transgender individual who filed a complaint in a local school against a teacher who used a male pronoun to identify the student. A transgender woman filed a complaint before the Ministry of Labor alleging her workplace did not allow her to use the bathroom that corresponded with her gender.

Availability of Legal Gender Recognition: Legal gender recognition was available. Individual self-identification was sufficient for obtaining such recognition. The government allowed individuals to change their gender identity marker on legal documents to bring them into alignment with their gender identity; however, the birth registration did not change. Nonbinary persons could register as gender “X” on their passports.

Involuntary or Coercive Medical or Psychological Practices: There were no reports this year of the practice of so-called conversion therapy and the practice of performing medically unnecessary and irreversible surgeries on children or on nonconsenting adult intersex persons. The association of psychologists publicly warned of the risks of conversion therapy and stated its opposition to the practice. Efforts were continuing in the National

Assembly to reform the health code to effectively ban conversion therapy in the country; the proposed bill divided legislators.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions against freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

Persons with Disabilities

The law prohibited discrimination against persons with physical, sensory, intellectual, or mental disabilities. The law established that persons with disabilities could access education, employment, health services, public buildings, and transportation on an equal basis with others. The law also established a right to employment for persons with disabilities and set a hiring quota of 5 percent of vacant positions in the public sector. The government did not enforce the law effectively.

Although the law mandated access to buildings for persons with disabilities, the government did not enforce this provision, and many sidewalks and buildings remained inaccessible to persons with disabilities. Persons with disabilities continued to confront discrimination in the labor market and health-care services. Reports indicated public education programs did not provide equal access in alignment with legal requirements.

Institutionalized Children: On June 14, the Judicial Investigative Police searched a child-care center in Coronado managed by a nongovernmental

organization for alleged mistreatment of children. Authorities opened a criminal investigation against the organization. The Child Welfare Agency transferred 42 children to another facility.

Other Societal Violence or Discrimination

Although the law prohibited discrimination based on HIV and AIDS regarding health care, housing, employment, and education, some discrimination was reported.

Labor discrimination towards HIV patients continued. Although the problem was not widespread, some persons reported losing their jobs due to discrimination, their deteriorating health, or both. The government took steps to combat discrimination based on HIV or AIDS status, as part of the *National Strategic Plan on HIV and AIDS (2021-26)*.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, with restrictions. The law prohibited antiunion discrimination and provided for reinstatement of workers fired for union activity. Unions were required to register, and the

law provided a deadline of 15 days for authorities to reply to a registration request. Unions were also required to register their collective bargaining agreements, with a double approval system from both the Policy Commission for the Negotiation of Collective Bargaining Agreements and the Ministry of Labor. The law permitted foreign workers to join unions but prohibited them from holding positions of authority within the unions, except for foreign workers who were married to citizens of the country and had legally resided in the country for at least five years.

The labor code stipulated that at least 50 percent of the workers in an enterprise were required to vote to support a strike. The law, however, added that even if there was no union at the enterprise or if the union lacked the support of 50 percent of the workforce, a strike could be initiated if 35 percent of the workers called for a vote by secret ballot. The law restricted the right to strike for workers in sectors such as oil refineries and ports that were not recognized as essential services under international standards. The law regulated strikes, including a prohibition on strikes by workers in nine essential public services, and allowed employers to suspend the pay of essential public-service workers who were on strike.

The law also permitted two other types of worker organizations: the first was “solidarity associations,” legal entities recognized by the constitution that had both management and employee membership and served primarily to administer funds for severance payments; the law prohibited solidarity

organizations from representing workers in collective bargaining or strikes. The second was “permanent committees,” enterprise-level bodies made up of three workers elected by secret ballot to negotiate “direct agreements” with employers but without recourse to a legal strike in the event negotiations were unsatisfactory to workers. Labor groups criticize these two parallel worker groups as undermining workers’ right to organize. The law required employers to initiate the bargaining process with a trade union if more than one-third of the total workforce, including union and nonunion members, requested collective bargaining, but the law also permitted direct bargaining agreements with nonunionized workers. The law established a scope of implementation and procedures for negotiations.

Although public-sector employees were permitted to bargain collectively, the Supreme Court held that some fringe benefits received by certain public employees were disproportionate and unreasonable, and it repealed sections of collective bargaining agreements between public-sector unions and government agencies, thus restricting this right. Labor unions asserted restrictions on public-sector salaries through measures such as the 2022 Public Employment law violated the right to collectively bargain compensation. In March, the law came into force. A court’s decision ratified the ceiling of 12 years for severance pay when an employee was terminated.

The government sometimes effectively enforced applicable laws protecting

freedom of association, collective bargaining, and the right to strike of workers. Delays to ratify collective bargaining agreements limited effective enforcement. Penalties were commensurate with those for other laws involving denials of individual rights, such as discrimination. Penalties were sometimes applied against violators. While the law established sanctions (fines and fees) for infractions, only the judiciary had the authority to apply such sanctions. Fines and fees were determined by the severity of the infraction and were based on the minimum wage. The law required labor claims to be processed within two years and set up a special summary procedure for discrimination claims. The law also provided labor union members protections against discrimination based on labor affiliation and special protections via special expedited proceedings. The last time the Labor Appeal Court acted related to union activity was in 2022.

Freedom of association and collective bargaining were sometimes respected but weakened by *solidarismo* (solidarity) and worker committees and other legal constraints. Labor unions asserted the government sometimes delayed timely registration of collective bargaining agreements up to a year or more. Labor unions asserted employers sometimes required membership in a solidarity association as a condition for employment. Labor unions also asserted solidarity associations set up and controlled permanent committees at many workplaces, which in turn conducted negotiations and established direct agreements, thus displacing trade unions. To the extent solidarity associations and permanent committees displaced trade unions,

they affected the independence of workers' organizations from employers' influence and infringed on the right to organize and bargain collectively. In recent years, the International Labor Organization (ILO) reported an expansion of direct agreements between employers and nonunionized workers and noted its concern that the number of collective bargaining agreements in the private sector continued to be low when compared with a high number of direct agreements with nonunionized workers.

In some instances, employers fired employees who attempted to unionize. From January to June, the Ministry of Labor reported 28 allegations of antiunion discrimination, including 14 cases of labor union harassment and 14 cases of dismissal of labor leader. There were reports some employers preferred "flexible," or short-term, contracts, making it difficult for workers to organize and collectively bargain. Migrant workers in agriculture frequently were hired on short-term contracts through intermediaries (outsourcing), faced antiunion discrimination and problems in organizing and were often more vulnerable to labor exploitation. Although migrant workers outside the agriculture sector were able to unionize, they were not able to participate as board members.

The ILO noted no trade unions operated in the country's export-processing zones and identified the zones as a hostile environment for organizing. Labor unions asserted efforts by workers in export-processing zones to organize were met with illegal employment termination, threats, and

intimidation and some employers maintained blacklists of workers identified as activists.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for minimum wage for all sectors. The wage council of the Ministry of Labor set the minimum wage scale for the public and private sectors twice a year. Monthly minimum wages were above the official poverty line, although some observers asserted the monthly minimum wage was insufficient to meet basic needs. The national minimum wage applied to all workers. The law set workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers were entitled to one day of rest after six consecutive days of work and annual

paid vacations, except in the agricultural sector. The law provided for workers to be paid for overtime work at a rate 50 percent above their stipulated wage or salary. Although there was no statutory prohibition against compulsory overtime, the labor code stipulated the workday could not exceed 12 hours and the work week could not exceed 48 hours, except in the agricultural sector when there was “imminent risk of harm...to the harvest” when work could not be suspended and workers could not be substituted.

Occupational Safety and Health: The Ministry of Labor National Council of Occupational Health and Safety was a tripartite occupational safety and health standards (OSH) regulatory authority with government, employer, and employee representation. OSH standards were appropriate for the main industries in the country, and OSH experts actively identified unsafe conditions, in addition to responding to workers’ complaints.

The responsibility for identifying unsafe situations remained with Ministry of Labor OSH experts and not the worker. Workers could remove themselves from situations that endangered health or safety without jeopardizing their employment. According to the Ministry of Labor, this was a responsibility shared by the employer and employee. The law assigned responsibility to the employer, including granting OSH officers access to workplaces, but it also authorized workers to seek assistance from appropriate authorities (OSH or labor inspectors) for noncompliance with OSH workplace standards,

including risks at work. The responsibility for occupational accidents and diseases fell on the insurance policy of the employer.

There were reports agricultural workers, particularly migrant laborers in the pineapple industry, worked in unsafe conditions, including exposure to hazardous chemicals without proper training.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage and overtime laws mainly in the urban and formal sector. Penalties were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators. The Ministry of Labor generally enforced minimum wages, overtime, and OSH laws effectively in the San Jose area but less effectively in rural areas, particularly where large numbers of migrants were employed, and in the large informal sector. The ministry publicly recognized that many workers, including in the formal sector, received less than the minimum wage, mainly in the agricultural sector.

The Ministry of Labor's Inspection Directorate was responsible for labor inspection, in collaboration with the Social Security Agency and the National Insurance Institute. The directorate employed labor inspectors, who investigated all types of labor violations. The number of labor inspectors was insufficient to enforce compliance. According to the Ministry of Labor, inspections occurred both in response to complaints and at the initiative of inspectors. The directorate stated it could visit any employer, formal or

informal, and inspections were always unannounced. Observers indicated instances where inspectors informed employers prior to conducting an anticipated inspection.

The Ministry of Labor generally addressed complaints by sending inspection teams to investigate and coordinate follow-up actions. As with other labor laws, inspectors could not fine or sanction employers who did not comply with laws on acceptable conditions of work; rather, they investigated and referred noncompliance results to labor courts. The process of fining companies or compelling employers to pay back wages or overtime was habitually subject to lengthy delays.

Observers expressed concern regarding exploitative working conditions in fisheries, small businesses, and agricultural activities. Unions also reported systematic violations of labor rights and provisions concerning working conditions, overtime, and wages in the export-processing zones. Labor unions reported overtime pay violations, such as nonpayment of wages and mandatory overtime, were common in the private sector and particularly in export-processing zones and agriculture. Observers expressed concerns the pineapple industry generally established long working hours for employees, in which there were constant exposures to chemicals; additionally, adequate measures were not taken to protect workers and inform them of the consequences of the use of pesticides.

Approximately 39 percent of the workforce operated in the informal

economy, according to government estimates. The government generally did not enforce labor laws in the informal sector.